IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH AT HYDERABAD

THE HONOURBALE SRI JUSTICE ELIPE DHARMA RAO

W.P. No. 18824 OF 2005

Dated : August 24, 2005

Between:

M.Ganga Bhavani

Petitioner

AND

Gudivada Municipality Collector,

Rep. by its Commissioner,

Gudivadi, Krishna District

Respondent

THE HONOURBALE SRI JUSTICE ELIPE DHARMA RAO

W.P. No. 18824 OF 2005

ORAL ORDER:

Aggrieved of the notice UCBA No. 54/05/91 dated 12.8.2005 issued by the respondent, directing the petitioner to remove constructions made contrary to the approved plan within seven days from the date of the impugned notice, the petitioner filed this writ petition.

The case of the petitioner is that she constructed a multistoried building in Gudivada Municipality for her personal use and occupation. Earlier one Smt. J.Mahalakshmamma filed W.P. No. 16347 of 2005, which was disposed of by his court directing the respondent herein to consider the representation dated 12.7.2005 submitted by the petitioner therein within a period of two seeks and pass appropriate orders after affording reasonable opportunity to the effected parties. The contention of the petitioner is that before issuing the impugned notice, no opportunity was given to the petitioner herein, as directed by this court in WP No. 16347 of 2005. Therefore, contending that the impugned notice is bad, for not affording opportunity to the petitioner, the present writ petition is filed.

Heard the learned counsel for the parties.

Prima facie, the notice impugned herein is not passed in consonance with the directions given by this court in earlier writ petition No. 16347 of 2005 dated 26.7.2005, inasmuch as there is nothing on record to show that before issuing the impugned notice, either the objections filed by Sri JBK Sastry and Smt. J.Mahalakshmamma and the petitioner – affected party was given opportunity muchless reasonable opportunity. Therefore, while setting aside the impugned notice, once again the respondent is directed to reconsider the matter after giving opportunity to the petitioner and the two persons viz., Sri JBK Sastry and Smt. J.Mahalakshmamma, and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order. Till such time, the respondent is directed not to take coercive steps in respect of the notice impugned herein.

The writ petition is accordingly allowed. No order as to costs.

Elipe Dharma Rao, J.

August 24, 2005

MAS.